

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ELIZABETH NELSON and
ALBERT THROWER,

Plaintiffs,

No. 23-11597

v.

Honorable Nancy G. Edmunds

ROBERT SCOTT, *et al.*,

Defendants.

**ORDER DISMISSING PLAINTIFFS'
STATE LAW CLAIMS WITHOUT PREJUDICE**

Pro se Plaintiffs Elizabeth Nelson and Albert Thrower bring this civil right lawsuit under 42 U.S.C. § 1983. (ECF No. 1.) Plaintiffs' complaint also alleges a number of common law claims under state law.¹ Because the parties in this matter are non-diverse, the Court declines to exercise supplemental jurisdiction over Plaintiffs' state law claims so as to avoid jury confusion. See 28 U.S.C. § 1367(c)(4); *Moor v. Cty. of Alameda*, 411 U.S. 693, 716 (1973); *Padilla v. City of Saginaw*, 867 F. Supp. 1309, 1315 (E.D. Mich. 1994). Thus, pursuant to § 1367(c), the state law claims in Plaintiffs' complaint, including those in "Claim Number Five," are hereby DISMISSED WITHOUT PREJUDICE. The Court will retain jurisdiction over Plaintiffs' federal claims only.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: July 13, 2023

¹ Plaintiffs also mention the Michigan Constitution.

I hereby certify that a copy of the foregoing document was served upon counsel of record on July 13, 2023, by electronic and/or ordinary mail.

s/Lisa Bartlett
Case Manager